

S. 706

At the request of Mr. KERRY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 706, a bill to amend the Social Security Act to establish programs to alleviate the nursing profession shortage, and for other purposes.

S. 724

At the request of Mr. COCHRAN, his name was added as a cosponsor of S. 724, a bill to amend title XXI of the Social Security Act to provide for coverage of pregnancy-related assistance for targeted low-income pregnant women.

S. 1201

At the request of Mr. HATCH, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1201, a bill to amend the Internal Revenue Code of 1986 to provide for S corporation reform, and for other purposes.

S. 1278

At the request of Mrs. LINCOLN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1278, a bill to amend the Internal Revenue Code of 1986 to allow a United States independent film and television production wage credit.

S. 1410

At the request of Mr. COCHRAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1410, a bill to amend the Internal Revenue Code of 1986 to clarify the excise tax exemptions for aerial applicators of fertilizers or other substances.

S. 1430

At the request of Mr. JOHNSON, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1430, a bill to authorize the issuance of Unity Bonds in response to the acts of terrorism perpetrated against the United States on September 11, 2001, and for other purposes.

S. 1434

At the request of Mr. SPECTER, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1434, a bill to authorize the President to award posthumously the Congressional Gold Medal to the passengers and crew of United Airlines flight 93 in the aftermath of the terrorist attack on the United States on September 11, 2001.

S. 1486

At the request of Mr. EDWARDS, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1486, a bill to ensure that the United States is prepared for an attack using biological or chemical weapons.

S. 1499

At the request of Mr. KERRY, the names of the Senator from Delaware (Mr. CARPER) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 1499, a bill to provide assistance to small business concerns adversely impacted by the ter-

rorist attacks perpetrated against the United States on September 11, 2001, and for other purposes.

S. 1510

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 1510, a bill to deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes.

At the request of Mr. DASCHLE, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Florida (Mr. NELSON), the Senator from Georgia (Mr. CLELAND), the Senator from Indiana (Mr. BAYH), the Senator from Louisiana (Mr. BREAUX), the Senator from Montana (Mr. BAUCUS), the Senator from Nebraska (Mr. NELSON), the Senator from New York (Mrs. CLINTON), and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 1510, *supra*.

At the request of Mr. HATCH, the names of the Senator from Illinois (Mr. FITZGERALD), the Senator from Arizona (Mr. KYL), the Senator from Wyoming (Mr. ENZI), the Senator from Tennessee (Mr. FRIST), the Senator from South Carolina (Mr. THURMOND), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Mississippi (Mr. COCHRAN), the Senator from North Carolina (Mr. HELMS), and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 1510, *supra*.

S. CON. RES. 74

At the request of Mr. DURBIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. Con. Res. 74, a concurrent resolution condemning bigotry and violence against Sikh-Americans in the wake of terrorist attacks in New York City and Washington, D.C. on September 11, 2001.

AMENDMENT NO. 1855

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 1855 proposed to S. 1447, a bill to improve aviation security, and for other purposes.

At the request of Mr. JOHNSON, his name was added as a cosponsor of amendment No. 1855 proposed to S. 1447, *supra*.

At the request of Mrs. CARNAHAN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of amendment No. 1855 proposed to S. 1447, *supra*.

AMENDMENT NO. 1858

At the request of Mr. BINGAMAN, his name was added as a cosponsor of amendment No. 1858 proposed to S. 1447, a bill to improve aviation security, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HOLLINGS (for himself, Mr. BIDEN, Mr. BREAUX, Mr. CLELAND, Mr. SCHUMER, Mr. KERRY, Mr. ROCKEFELLER, Mr. CARPER, Mr. JEFFORDS, and Mr. DURBIN):

S. 1530. A bill to provide improved safety and security measures for rail transportation, provide for improved passenger rail service, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. HOLLINGS. Mr. President, one month ago today, the United States was attacked by terrorists who hijacked airplanes and used them as weapons against the World Trade Center, Pentagon and another unknown target which was crashed into a field in Pennsylvania. After the Federal Aviation Administration grounded the airlines following the terrorist attacks, travelers flocked to Amtrak. Whether people had to travel for business, to help with rescue efforts, or just to get home, Amtrak kept our American citizens moving during a time of national emergency.

The situation not only proved that Amtrak works, but that Amtrak is a critical part of our transportation infrastructure during a national emergency. Now that airlines have reduced their flights on the East Coast and throughout the country, more of the passenger burden has fallen on Amtrak, which carries 35,000 passengers along the Northeast Corridor everyday. Even the U.S. Postal Office carried 237 extra carloads of mail in the days following the terrorist attacks.

Today I am introducing the Railroad Advancement and Infrastructure Law of the 21st Century, or RAIL-21. In the short run, this bill will provide emergency security assistance to Amtrak, a key part of our national transportation infrastructure. In the long run, this bill will spark the building of important high-speed rail infrastructure in high-volume corridors across the United States, reducing our dependence on air and highway travel.

In light of the events of September 11, it is important to look at the entire transportation system. Transportation security requires a balanced and competitive system of transportation alternatives. Three weeks ago we found out that our dependence on the aviation system almost crippled us. We cannot be overly reliant on any single mode of transportation; we need to ensure that we have a balanced system.

Today we are trying to pass the airline security bill to make airline passengers feel safe so they will fly again. We need to make passengers feel just as safe when they travel by train. And we need to make sure we have transportation alternatives.

To address Amtrak's immediate concerns, the bill would authorize \$3.2 billion in emergency spending for Amtrak's security and capacity needs. The money will pay for more police, surveillance, fencing and lighting at the train stations and train yards; life-safety improvements and more fire-fighting capacity for tunnels in New York, Baltimore and Washington, D.C.;

and more passenger cars and capacity improvements to meet the growing demand for train service.

RAIL-21 would reauthorize Amtrak for one year with \$1.2 billion for capital and operating expenses. The bill would allow Amtrak to continue its GSA vehicle lease agreements and would suspend Amtrak's redemption requirements for common stock until the end of FY2004.

Additionally, the bill would remove the operational self-sufficiency requirement passed three years ago. Let me talk about that for a moment. There is no truly national passenger train service in the world that makes a profit. Requiring Amtrak to do so has forced the railroad to short-change critical infrastructure investments in order to meet a questionable economic model. We must free Amtrak from this requirement so they can go back to running a passenger railroad with modern and safe equipment, not juggling bond payments and taking out mortgages on Penn Station just to meet an impossible self-sufficiency deadline.

Nations invest in passenger rail service because it increases the opportunities to travel and thus a Nation's quality of life. Rail service also reduces car congestion and pollution. And we saw last month that, during a national emergency, having a viable, operating national train system can be a strategic asset.

Kenneth Mead, the Inspector General for the Department of Transportation, has said the drive for self-sufficiency has forced Amtrak to spend money on quick projects that improve the short-term bottom line while cutting back on maintenance and investments.

Those who want Amtrak to operate without Federal assistance, ultimately forcing the railroad's passengers onto cars, buses and airplanes, always cry that we should not "subsidize" Amtrak. But we subsidize the building of roads and highways with tax dollars. We subsidize the building of airports and pay flight controllers with tax dollars. We consider those subsidies to be worthwhile investments in our economy and our quality of life. We must make the same investment that other countries make it passenger rail service.

While that argument should stand on its own, here's something the highway and airplane crowd can take to the bank: moving more short-haul travelers to rail service reduces congestion on our already overcrowded highways and eases congestion at airports, allowing airlines to focus on more-profitable, long-distance routes. Investing in passenger rail improves conditions for highway and airport users at a fraction of the cost per mile traveled.

According to some experts, Amtrak has reduced air traffic congestion out of Philadelphia's airport by 50 flights a day. Rail service between New York and Washington carries enough passengers to fill 121 airline flights per day. Now, with reduced flights out of

East Coast airports, it makes more sense to look at Amtrak not only as a transportation alternative, but as a transportation mainstay for regional corridors all over the U.S.

Amtrak has been severely under-capitalized since its inception in 1971. We would not be talking about many of these problems with Amtrak if it had been given the proper seed money for capital and annual funding from the very beginning.

And that leads me to the second part of this bill, in which we look to passenger rail's long-term future. The passenger railroad system that has worked on the Northeast Coast can work in other high-congestion areas of the country: the South, the Midwest, California and the Northwest.

Thirty years ago, those areas did not have the population to support high-speed intercity rail. But today those areas are growing by leaps and bounds. As the highways in those areas clog up and the planes run three hours late, their governors, many of them Republicans, are asking us for help to build high speed rail.

RAIL-21 authorizes \$35 billion in direct loans and loan guarantees for passenger rail, freight rail, and rail security enhancements. The criteria for these loans will replace language contained three years ago in TEA-21.

TEA-21 directed the Department of Transportation to establish a program to replace the old Title V loan guarantee program which was used to build, rehabilitate or upgrade primarily short line railroads. On September 5, 2000, the DOT issued a final rule on the Railroad Rehabilitation and Improvement Financing Program (RRIF) to provide direct loans and loan guarantees to State and local governments, government sponsored authorities and corporations, railroads, and joint ventures that include at least one railroad.

Eligible projects for RRIF include: 1. acquisition, improvement or rehabilitation of intermodal or rail equipment of facilities (including tracks, components of tracks, bridges, yards, buildings, and shops), 2. the refinancing of outstanding debt incurred for these purposes; 3. development or establishment of new intermodal or railroad facilities, 4. and security purposes.

RAIL-21 eliminates much of the bureaucratic red tape that has delayed any TEA-21 loans or loan guarantees from being issued.

Under RAIL-21, Class 1 railroads, regional railroads, short lines, and passenger projects would be eligible for loans and loan guarantees. The bill would set aside \$7 billion of the loans and loan guarantees for short lines.

RAIL-21 also establishes a \$350 million grant program for rehabilitating, preserving or improving railroad tracks for regional and short line railroads. Short line railroads have saved tens of thousands of miles of light density rail line from abandonment. In 1980, there were 220 short line railroads in the U.S. Today there are over 500

short line railroads, due in part to the mergers and streamlining of Class I operations which encouraged the larger companies to sell off their little-used or abandoned branch lines. Short line and regional railroads are an important and growing component of the railroad industry. Today they operate and maintain 29 percent of the American railroad industry's route mileage and account for 9 percent of the rail industry's freight revenue and 11 percent of railroad employment.

These line railroads employ approximately 25,000 workers, serve thousands of local and rural shippers, and are often the only connection these shippers have to the national rail network. To survive, this infrastructure needs to be upgraded in order to move the heavier cars that are currently being moved by the Class I railroads. The revenues of the smaller railroads are not sufficient to get the job done.

Since 1982, the short lines and regional railroads have maintained the track in rural areas where rail service would have been abandoned by the Class I railroads. Because of their relatively low traffic levels, the Class I railroads could not afford to invest in this infrastructure and, as a result, allowed these lines to slowly deteriorate. With a lower cost structure and more flexible service, short line companies that bought the track have been able to keep them going. However, the revenue is still not high enough to make up for past years of neglect.

Today, two factors have combined to bring this situation to a head. First, the advent of the heavier 286,000-pound cars that are becoming the standard of the Class I industry require substantially higher investment in the track. Second, as the Class I industry puts a greater premium on speed and precisely scheduled operations, the short line railroads must meet these higher standards or be cut off from the national system.

This legislation does not create a long-term program to fix this problem, but instead it creates a one-time fix for this problem. While these small railroads have enough traffic to operate profitably on an ongoing basis, they do not earn enough to make the large capital investment required by the advent of the 286,000-pound cars or the need to significantly increase speed. This legislation would authorize a program that could provide grants to the nation's smaller railroads to help them make the improvements needed to stay in business and continue to serve small shippers.

RAIL-21 also would authorize \$50 million in matching grants annually during FY02 through FY04: \$25 million would be available for security and technology research and development; \$25 million would be available for corridor planning and acquisition of rolling stock, with preference given to designated corridors.

RAIL-21 identifies existing high-speed corridors for priority consideration. Many of these corridors are in

the South, Midwest and California where people are now driving cars or taking airplanes on trips of 200 miles or less. In these areas, like the East Coast, travelers could take a high-speed train instead, and arrive about the same time.

But right now they don't have that option. Therefore, we have a problem here: They can't use it if we don't build it.

We built high speed rail on the East Coast, and the people have used it. If we build rail corridors around Chicago and the Midwestern cities, they will use it. If we build rail lines in the South from Washington, D.C. through the Carolinas to Atlanta and Florida, they will ride it. If we build a corridor in California from San Diego to Sacramento, they will ride it.

This bill does not only support Amtrak. It is intended for commuter rail, freight railroads, and short line operators. That's what many Senators, governors and constituents have asked for.

In the long term, travel in the United States will outpace the ability of airports and highways to handle the volume. With the tighter security checks at the airports, it will be faster to make trips of 200-300 miles by train than by air. More train travel will reduce congestion at our most crowded airports and our most gridlocked Interstate highways.

I am pleased my colleagues have joined with me to introduce this bill, which we hope to move quickly. Modernizing Amtrak now will create jobs in the short run to stimulate our economy. And by modernizing our transportation infrastructure, high-speed rail corridors will play a key role in our long-term prosperity.

I would ask that the text of my bill and a summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1530

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Railroad Advancement and Infrastructure Law for the 21st Century".

SEC. 2. 1-YEAR EXTENSION OF AUTHORIZATION.

(a) IN GENERAL.—Section 24104(a) of title 49, United States Code, is amended—

(1) by striking "and" in paragraph (4);

(2) by striking "2002," in paragraph (5) and inserting "2002; and"; and

(3) by inserting after paragraph (5) the following:

"(6) \$1,200,000,000 for fiscal year 2003."

(b) REPEAL OF SELF-SUFFICIENCY REQUIREMENTS.

(1) TITLE 49 AMENDMENTS.—Chapter 241 of title 49, United States Code, is amended—

(A) by striking the last sentence of section 24101(d); and

(B) by striking the last sentence of section 24104(a).

(2) AMTRAK REFORM AND ACCOUNTABILITY ACT AMENDMENTS.—Title II of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24101 nt) is amended by striking sections 204 and 205.

(3) COMMON STOCK REDEMPTION DATE.—Section 415 of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24304 nt) is amended by striking subsection (b).

(c) LEASE ARRANGEMENTS.—Amtrak may obtain services from the Administrator of General Services, and the Administrator may provide services to Amtrak, under section 201(b) and 211(b) of the Federal Property and Administrative Service Act of 1949 (40 U.S.C. 481(b) and 491(b)) for fiscal year 2002 and each fiscal year thereafter until the fiscal year that Amtrak operates without Federal operating grant funds appropriated for its benefit, as required by sections 24101(d) and 24104(a) of title 49, United States Code.

SEC. 3. EMERGENCY AMTRAK ASSISTANCE.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for the 2-year period beginning on the date of enactment of this Act—

(1) \$471,000,000 for systemwide security upgrades, including hiring and training additional police officers, canine-assisted security units, and surveillance equipment;

(2) \$998,000,000 to be used to complete New York tunnel life safety projects and rehabilitate tunnels in Washington, D.C., and Baltimore, Maryland;

(3) \$949,000,000 for bridges, track, power, and station improvements to increase capacity and improve reliability of rail passenger transportation in the Northeast Corridor;

(4) \$656,000,000 for equipment, including—

(A) the overhauling and returning of 45 passenger cars and 5 locomotives to service,

(B) the upgrading and overhauling of 231 passenger cars and 33 locomotives, and

(C) the purchase of 10 new trainsets, of which sum at least 25 percent shall be used for operations outside the Northeast Corridor (unless the Secretary determines that demand for such operations outside the Northeast Corridor is less than 25 percent); and

(5) \$77,000,000 for incremental operating costs, including reservation centers, overtime compensation, and mechanical terminals (net of incremental revenues).

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) shall remain available until expended.

(c) COORDINATION WITH EXISTING LAW.—Amounts made available to Amtrak under this section shall not be considered to be Federal assistance for purposes of part C of subtitle V of title 49, United States Code.

SEC. 4. REHABILITATION, IMPROVEMENT, AND SECURITY FINANCING.

(a) DEFINITIONS.—Section 102(7) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 802(7)) is amended to read as follows:

"(7) 'railroad' has the meaning given that term in section 20102 of title 49, United States Code; and"

(b) GENERAL AUTHORITY.—Section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822) is amended—

(1) by striking "Secretary may provide direct loans and loan guarantees to State and local governments," in subsection (a) and inserting "Secretary shall provide direct loans and loan guarantees to State and local governments, interstate compacts entered into under section 410 of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24101 nt);"

(2) by striking "or" in subsection (b)(1)(B);

(3) by redesignating subparagraph (C) of subsection (b)(1) as subparagraph (D); and

(4) by inserting after subparagraph (B) of subsection (b)(1) the following:

"(C) to acquire, improve, or rehabilitate rail safety and security equipment and facilities; or"

(c) EXTENT OF AUTHORITY.—Section 502(d) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(d)) is amended—

(1) by striking "\$3,500,000,000" and inserting "\$35,000,000,000";

(2) by striking "\$1,000,000,000" and inserting "\$7,000,000,000"; and

(3) by adding at the end the following new sentence: "The Secretary shall not establish any limit on the proportion of the unused amount authorized under this subsection that may be used for 1 loan or loan guarantee."

(d) COHORTS OF LOANS.—Section 502(f) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(f)) is amended—

(1) in paragraph (2)—

(A) by striking "and" at the end of subparagraph (D);

(B) by redesignating subparagraph (E) as subparagraph (F); and

(C) by adding after subparagraph (D) the following new subparagraph:

"(E) the size and characteristics of the cohort of which the loan or loan guarantee is a member; and"; and

(2) by adding at the end of paragraph (4) the following: "A cohort may include loans and loan guarantees. The Secretary shall not establish any limit on the proportion of a cohort that may be used for 1 loan or loan guarantee."

(e) CONDITIONS OF ASSISTANCE.—Section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822) is amended—

(1) in subsection (f)(2)(A), by inserting ", if any" after "collateral offered"; and

(2) by adding at the end of subsection (h) the following:

"The Secretary shall not require an applicant for a direct loan or loan guarantee under this section to provide collateral. The Secretary shall not require that an applicant for a direct loan or loan guarantee under this section have previously sought the financial assistance requested from another source. The Secretary shall require recipients of direct loans or loan guarantees under this section to apply the standards of section 22301(f) and (g) of title 49, United States Code, to their projects."

(f) TIME LIMIT FOR APPROVAL OR DISAPPROVAL.—Section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822) is amended by adding at the end the following new subsection:

"(i) TIME LIMIT FOR APPROVAL OR DISAPPROVAL.—Not later than 180 days after receiving a complete application for a direct loan or loan guarantee under this section, the Secretary shall approve or disapprove the application."

(g) FEES AND CHARGES.—Section 503 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 823) is amended—

(1) by adding at the end of subsection (k) the following: "Funds received by the Secretary under the preceding sentence shall be credited to the appropriation from which the expenses of making such appraisals, determinations, and findings were incurred."; and

(2) by adding at the end the following new subsection:

"(l) FEES AND CHARGES.—Except as provided in this title, the Secretary may not assess any fees, including user fees, or charges in connection with a direct loan or loan guarantee provided under section 502."

(h) SUBSTANTIVE CRITERIA AND STANDARDS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Transportation shall publish in the Federal Register and post on the Department of Transportation web site the substantive criteria and standards used by the Secretary to

determine whether to approve or disapprove applications submitted under section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822).

SEC. 5. CAPITAL GRANTS FOR RAILROAD TRACK.

(a) AMENDMENT.—Chapter 223 of title 49, United States Code, is amended to read as follows:

“CHAPTER 223—CAPITAL GRANTS FOR RAILROAD TRACK

“Sec.

“22301. Capital grants for railroad track.

“§ 22301. Capital grants for railroad track

“(a) ESTABLISHMENT OF PROGRAM.—

“(1) ESTABLISHMENT.—The Secretary of Transportation shall establish a program of capital grants for the rehabilitation, preservation, or improvement of railroad track (including roadbed, bridges, and related track structures) of class II and class III railroads. Such grants shall be for rehabilitating, preserving, or improving track used primarily for freight transportation to a standard ensuring that the track can be operated safely and efficiently, including grants for rehabilitating, preserving, or improving track to handle 286,000 pound rail cars. Grants may be provided under this chapter—

“(A) directly to the class II or class III railroad; or

“(B) with the concurrence of the class II or class III railroad, to a State or local government.

“(2) STATE COOPERATION.—Class II and class III railroad applicants for a grant under this chapter are encouraged to utilize the expertise and assistance of State transportation agencies in applying for and administering such grants. State transportation agencies are encouraged to provide such expertise and assistance to such railroads.

“(3) INTERIM REGULATIONS.—Not later than December 31, 2001, the Secretary shall issue temporary regulations to implement the program under this section. Subchapter II of chapter 5 of title 5 does not apply to a temporary regulation issued under this paragraph or to an amendment to such a temporary regulation.

“(4) FINAL REGULATIONS.—Not later than October 1, 2002, the Secretary shall issue final regulations to implement the program under this section.

“(b) MAXIMUM FEDERAL SHARE.—The maximum Federal share for carrying out a project under this section shall be 80 percent of the project cost. The non-Federal share may be provided by any non-Federal source in cash, equipment, or supplies. Other in-kind contributions may be approved by the Secretary on a case by case basis consistent with this chapter.

“(c) PROJECT ELIGIBILITY.—For a project to be eligible for assistance under this section the track must have been operated or owned by a class II or class III railroad as of the date of the enactment of the Railroad Advancement and Infrastructure Law for the 21st Century.

“(d) USE OF FUNDS.—Grants provided under this section shall be used to implement track capital projects as soon as possible. In no event shall grant funds be contractually obligated for a project later than the end of the third Federal fiscal year following the year in which the grant was awarded. Any funds not so obligated by the end of such fiscal year shall be returned to the Secretary for reallocation.

“(e) ADDITIONAL PURPOSE.—In addition to making grants for projects as provided in subsection (a), the Secretary may also make grants to supplement direct loans or loan guarantees made under title V of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(d)), for projects de-

scribed in the last sentence of section 502(d) of such title. Grants made under this subsection may be used, in whole or in part, for paying credit risk premiums, lowering rates of interest, or providing for a holiday on principal payments.

“(f) EMPLOYEE PROTECTION.—The Secretary shall require as a condition of any grant made under this section that the recipient railroad provide a fair arrangement at least as protective of the interests of employees who are affected by the project to be funded with the grant as the terms imposed under section 11326(a), as in effect on the date of the enactment of the Railroad Advancement and Infrastructure Law for the 21st Century.

“(g) LABOR STANDARDS.—

“(1) PREVAILING WAGES.—The Secretary shall ensure that laborers and mechanics employed by contractors and subcontractors in construction work financed by a grant made under this section will be paid wages not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor under the Act of March 3, 1931 (known as the Davis-Bacon Act; 40 U.S.C. 276a et seq.). The Secretary shall make a grant under this section only after being assured that required labor standards will be maintained on the construction work.

“(2) WAGE RATES.—Wage rates in a collective bargaining agreement negotiated under the Railway Labor Act (45 U.S.C. 151 et seq.) are deemed for purposes of this subsection to comply with the Act of March 3, 1931 (known as the Davis-Bacon Act; 40 U.S.C. 276a et seq.).

“(h) STUDY.—The Secretary shall conduct a study of the projects carried out with grant assistance under this section to determine the public interest benefits associated with the light density railroad networks in the States and their contribution to a multimodal transportation system. Not later than March 31, 2003, the Secretary shall report to Congress any recommendations the Secretary considers appropriate regarding the eligibility of light density rail networks for Federal infrastructure financing.

“(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation \$350,000,000 for each of the fiscal years 2002 through 2004 for carrying out this section.”

(b) CONFORMING AMENDMENT.—The item relating to chapter 223 in the table of chapters of subtitle V of title 49, United States Code, is amended to read as follows:

“223. CAPITAL GRANTS FOR RAILROAD TRACK 22301”.

SEC. 3. HIGH-SPEED RAIL CORRIDOR PLANNING AND DEVELOPMENT.

(a) CORRIDOR PLANNING AND DEVELOPMENT.—

(1) AMENDMENTS.—Section 26101 of title 49, United States Code, is amended—

(A) in the section heading, by inserting “and development” after “planning”;

(B) by inserting “AND DEVELOPMENT” in the heading of subsection (a) after “PLANNING”;

(C) by inserting “and development” after “corridor planning” each place it appears”;

(D) by striking “improvements.” in subsection (b)(1) and inserting “improvements, or if it is an activity described in subparagraph (M) or (N)”;

(E) by striking “and” at the end of subparagraph (K) of subsection (b)(1);

(F) by striking “partnerships.” in subparagraph (L) of subsection (b)(1) and inserting “partnerships”;

(G) by adding at the end of subsection (b)(1) the following:

“(M) the acquisition of locomotives, rolling stock, track, and signal equipment; and

“(N) security planning and the acquisition of security and emergency response equipment.”; and

(H) by inserting “and development” after “planning” in subsection (c)(2).

(2) CONFORMING AMENDMENT.—The item relating to section 26101 in the table of sections of chapter 261 of title 49, United States Code, is amended by inserting “and development” after “planning”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 26104 of title 49, United States Code, is amended to read as follows:

“§ 26104. Authorization of appropriations

“(a) FISCAL YEARS 2002 THROUGH 2009.—There are authorized to be appropriated to the Secretary—

“(1) \$25,000,000 for carrying out section 26101; and

“(2) \$25,000,000 for carrying out section 26102,

for each of the fiscal years 2002 through 2009.

“(b) FUNDS TO REMAIN AVAILABLE.—Funds made available under this section shall remain available until expended.”

(c) DESIGNATED HIGH-SPEED RAIL CORRIDORS.—The Secretary of Transportation shall give priority in allocating funds authorized by section 26104 of title 49, United States Code, to the following High-Speed Rail Corridors:

(1) California Corridor connecting the San Francisco Bay area and Sacramento to Los Angeles and San Diego.

(2) Chicago Hub Corridor Network with the following spokes:

(A) Chicago to Detroit.

(B) Chicago to Minneapolis/St. Paul, MN., via Milwaukee, WI.

(C) Chicago to Kansas City, MO., via Springfield, IL., and St. Louis, MO.

(D) Chicago to Louisville, KY., via Indianapolis, IN., and Cincinnati, OH.

(E) Chicago to Cleveland, OH., via Toledo, OH.

(F) Cleveland, OH., to Cincinnati, OH., via Columbus, OH.

(3) Empire State Corridor from New York City, NY., through Albany, N.Y. to Buffalo, N.Y.

(4) Florida High-Speed Rail Corridor from Tampa through Orlando to Miami.

(5) Gulf Coast Corridor from Houston TX., through New Orleans, LA., to Mobile, AL., with a branch from New Orleans, through Meridian, MS., and Birmingham, AL., to Atlanta, GA.

(6) Keystone Corridor from Philadelphia, PA., through Harrisburg, PA., to Pittsburgh, PA.

(7) Northeast Corridor from Washington, D.C., through New York City, N.Y., New Haven, CT., and Providence, R.I., to Boston, MA.

(8) New England Corridor from Boston, MA., to Portland and Auburn, ME., and from Boston, MA., through Concord, N.H., and Montpelier, VT., to Montreal, P.Q.

(9) Pacific Northwest Corridor from Eugene, OR., through Portland, OR., and Seattle, WA., to Vancouver, B.C.

(10) South Central Corridor from San Antonio, TX., through Dallas/ Fort Worth to Little Rock, AK., with a branch from Dallas/ Fort Worth through Oklahoma City, OK., to Tulsa, OK.

(11) Southeast Corridor from Washington, D.C., through Richmond, VA., Raleigh, N.C., Columbia, S.C., Savannah, GA., and Jesup, GA., to Jacksonville, FL., with a branch from Raleigh, N.C., through Charlotte, N.C., and Greenville, S.C., to Atlanta, GA., a branch from Richmond, to Hampton Roads/ Norfolk, VA., and a connecting route between Atlanta, GA., to Jesup, GA.

SUMMARY OF RAILROAD ADVANCEMENT AND INFRASTRUCTURE LAW OF THE 21ST CENTURY, RAIL-21

RAIL-21 does the following:

EXTENDS AMTRAK'S AUTHORIZATION FOR ONE YEAR

Reauthorizes Amtrak for one additional year (through FY 2003);

Allows Amtrak to continue lease arrangements with GSA (See amendment No. 3958 to FY 2001 Ag Appropriations in support 72-24);

Eliminates Amtrak's operating self sufficiency requirement;

Suspends Amtrak's redemption requirements for common stock until the end of FY 2003; and

Authorizes Amtrak to be funded at \$1.2 billion for capital and operating expenses annually during FY 2003.

PROVIDES EMERGENCY SECURITY SPENDING FOR AMTRAK

Authorizes \$3.2 billion in emergency spending for Amtrak's security and capacity needs to be used for:

Added police, surveillance, fencing and lighting;

Accelerated life-safety improvements of tunnels in New York, Baltimore and Washington, D.C., will provide emergency access and egress and enhance fire fighting capacities; and

Added passenger cars and capacity improvements to meet greater demand (Amtrak is required to make 25% of such equipment available to corridors outside of the Northeast Corridor).

AUTHORIZES \$35 B IN DIRECT LOANS AND LOAN GUARANTEES

Authorizes \$35 billion for freight rail, passenger rail and rail security enhancement projects;

Class I railroads, regional railroads, short lines and passenger projects are eligible; and \$7 billion would be set aside for short lines.

ESTABLISHES A CAPITAL GRANT PROGRAM FOR SHORT LINE RAILROADS

Authorizes \$350 million for rehabilitating, preserving or improving railroad track for regional and short line railroads.

REAUTHORIZES THE SWIFT HIGH SPEED RAIL ACT

Authorizes \$50 million in matching grants annually during FY 02 through FY 04;

\$25 million is available for corridor planning and acquisition of rolling stock, with preference given to designated corridors (see attached information); and

\$25 million is available for security and technology research and development.

DESIGNATED HIGH-SPEED RAIL CORRIDORS

California Corridor connecting the San Francisco Bay area and Sacramento to Los Angeles and San Diego.

Chicago Hub Corridor Network with the following spokes:

Chicago to Detroit.

Chicago to Minneapolis/St. Paul, MN, via Milwaukee, WI.

Chicago to Kansas City, MO, via Springfield, IL, and St. Louis, MO.

Chicago to Louisville, KY, via Indianapolis, IN, and Cincinnati, OH.

Chicago to Cleveland, OH, via Toledo, OH.

Cleveland, OH, to Cincinnati, OH, via Columbus, OH.

Empire State Corridor from New York City, NY, through Albany, NY to Buffalo, NY.

Florida High-Speed Rail Corridor from Tampa through Orlando to Miami.

Gulf Coast Corridor from Houston TX, through New Orleans, LA, to Mobile, AL, with a branch from New Orleans, through Meridian, MS, and Birmingham, AL, to Atlanta, GA.

Keystone Corridor from Philadelphia, PA, through Harrisburg, PA, to Pittsburgh, PA.

Northeast Corridor from Washington, DC, through New York City, NY, New Haven, CT, and Providence, RI, to Boston, MA.

New England Corridor from Boston, MA, to Portland and Auburn, ME, and from Boston, MA, through Concord, NH, and Montpelier, VT, to Montreal, PQ.

Pacific Northwest Corridor from Eugene, OR, through Portland, OR, and Seattle, WA, to Vancouver, BC.

South Central Corridor from San Antonio, TX, through Dallas/Fort Worth to Little Rock, AK, with a branch from Dallas/Fort Worth through Oklahoma City, OK, to Tulsa, OK.

Southeast Corridor from Washington, DC through Richmond, VA, Raleigh, NC, Columbia, SC, Savannah, GA, and Jesup, GA, to Jacksonville, FL, with a branch from Raleigh, NC, through Charlotte, NC, and Greenville, SC, to Atlanta, GA, a branch from Richmond, to Hampton Roads/Norfolk, VA, and a connecting route between Atlanta, GA, to Jesup, GA.

By Mr. ALLEN (for himself, Mr. WARNER, Mr. LOTT, Mr. NICKLES, Mr. GREGG, Mr. BOND, Mr. ENZI, Mr. SESSIONS, Mr. HUTCHINSON, Mr. BROWNBARK, Mr. VOINOVICH, Mr. HAGEL, Mr. CAMPBELL, Mrs. HUTCHISON, Mr. ROBERTS, Mr. CRAIG, Mr. COCHRAN, Mr. SANTORUM, and Mr. ALLARD):

S. 1532. A bill to provide for the payment of emergency extended unemployment compensation; to the Committee on Finance.

Mr. ALLEN. Mr. President, I rise to introduce the President's Emergency Extended Unemployment Compensation Act.

The Senator from California was talking about her concerns, help on the way. I think we all share those concerns. While the actions of Americans have shown that we are trying to get open for business again, we are obviously united in our resolve that a long fight awaits us because of these vile terrorist acts of September 11, 2001.

This flag is from the Pentagon. The President just gave a wonderful speech, as did Secretary Rumsfeld. Everyone was united in tears and in love for those families who lost loved ones and, also, a resolve that freedom and justice will prevail.

Indeed, we are working to rebuild and recover. The President talked about rebuilding the Pentagon. Others have talked about rebuilding in New York. The rescue, recovery, cleanup, and rebuilding efforts will be enormous.

Congress has responded with \$40 billion in aid. The airline industry, which is responsible for 10 percent of the Nation's gross domestic product, as well as being a key element of our reserve military airlift fleet, needs to remain solvent. We recognize that.

We understood that the FAA closed our skies after the terrorist attacks. We have responded with \$5 billion in cash for lost revenue, due to the skies being closed, to help get our airlines back in the sky as quickly as possible.

The perception of safety while flying has been shaken to the core. I have participated in hearings in the Commerce Committee working to help craft legislation aimed at improving aviation safety both on the ground at

airports, and on our aircraft as well. Senators HOLLINGS, MCCAIN, ROCKEFELLER, and HUTCHISON have worked hard in bringing this bill to the floor to do just that. We will pass this legislation to ensure that no commercial airliner or any aircraft in this country ever again is commandeered and used as a weapon.

Ronald Reagan National Airport, which is a symbol of the Nation's Capital and our transportation system, remained closed for nearly 3 weeks due to Federal order. After nearly 3 weeks of consideration of ideas for safety and special precautions for Reagan National Airport, last week President Bush very wisely announced a plan with a phased-in approach so that flights at Ronald Reagan National Airport could start. I was fortunate to be on the first flight out of Reagan since that fateful day last Thursday.

For the first 3 weeks of the reopening of Reagan National Airport, it is restricted to operating at 24-percent capacity. After that, in phase 2, it will be at 57-percent capacity for as long as 7 weeks. We still have a lot of work to do. While our general aviation pilots are fortunately back in the skies, there are still limitations on airspace all around the country.

Airline carriers and manufacturers have laid off over 100,000 employees. Airport employees and workers for businesses located in and around airport facilities are losing jobs by the thousands. Reagan National Airport is again open for business, but many of its 10,200 employees are out of work since they are restricted to operating at one-quarter capacity. Vendors, business owners, and concessionaires at the airport have lost revenues and jobs because of this direct Federal action. The shock waves are being felt throughout our economy—from retail establishments to high-tech businesses.

Now that we have addressed some of the recovery and rebuilding efforts, we are finally able to turn our attention to these hard-working Americans who unfortunately have lost their jobs through no fault of their own. Today, on behalf of the President, I am introducing legislation to provide that necessary assistance for the backbone of our economy—the free people of the greatest and strongest nation on Earth.

The President's plan will provide health coverage, unemployment benefits, and job training assistance to hard-working Americans who have lost their jobs as a result of the economic downturn since the September 11 attacks.

Specifically, it will extend unemployment benefits for up to 13 weeks beyond what individual States cover. It will provide COBRA health insurance premiums, which are substantially covered by the Federal Government, for up to 10 months.

It will also more easily allow affected workers to avail themselves of more than \$6 billion in Federal programs that provide job search, training, placement, and other services.

It makes \$11 billion available to States to help low-income workers and families who have lost their jobs to maintain health insurance through either the S-CHIP or Medicaid Programs.

It will also provide \$3 billion to States in the form of national emergency grants that Governors can fashion to best address the needs of their States to help workers maintain health care coverage, supplement their income, and receive job training. Also, the Governors can use it to compensate employees who have lost their jobs due to this direct Federal intervention.

In addition, the White House, my office, and the Republican Senate leadership offices, have been working through the night addressing some of the specific concerns I have for Reagan National Airport. That is why I will add an amendment to the President's package to address those specific concerns, because although actions such as the Reagan National shutdown are sometimes necessary for national security reasons, those actions that will directly impact the ability of hard-working Americans and business owners to make a living. We should respond in realization that limited Federal benefits are little comfort to those thrown out of work due to a Federal action.

That is why my supplemental amendment will also allow the Governors of the States where major disasters have been declared to use their national emergency grants to supplement the incomes of those unemployed or underemployed because of direct Federal action, or for the lost revenues of those businesses that were similarly affected. These are not mandated, direct Federal grants but allowable uses under the national emergency grant programs at the discretion of Governors.

Again, it makes sense. If the Federal Government has an action that harms someone, whether it is their property or their livelihood, the Federal Government ought to help them. It is indeed the same logic we used in helping the airline industry.

The White House, of course, has seen the need to act. They understand that direct Federal action is necessary. Unfortunately, it was necessary to keep Reagan National closed for a while. The leadership at the White House and the Senate Republicans have been very helpful in analyzing this supplemental amendment, and I believe we can make it work out in the end.

Most of all, I know all Americans have significant concerns about jobs—jobs for people in all of our States. These job losses are not unique to New York, or Virginia, where those terrorist attacks have the greatest impact; the job losses are felt in every corner of our country. We see smaller airports worrying about whether or not they are going to have service.

Mr. President, I am pleased to introduce this measure today for this needed aid to help our hard-working citizens all over America recover from the extended effects of this horrific dis-

aster. In times like this, I believe the entire Nation has a role to play in keeping American businesses and entrepreneurs running, and especially in keeping Americans at work.

Once again, I believe America will triumph over tyrants and we will stand strong with our people; unwavering in the face of terrorism. We will show that not only is America open for business but also that America means business.

By Mr. LIEBERMAN (for himself and Mr. SPECTER):

S. 1534. A bill to establish the Department of National Homeland Security; to the Committee on Governmental Affairs.

Mr. LIEBERMAN. Mr. President, today, Senator SPECTER and I are introducing legislation to create a Department of National Homeland Security. One month ago, America suffered devastating attacks at the hands of terrorists with whom we are now at war. Our Nation has struggled to adjust to the realization that our citizens are vulnerable to hostile acts on the part of adversaries whose methods are as fanatical as their goals. The legislation we are introducing is intended to provide Americans with the assurance they need to return to their daily routines without fear of further attack, and so confound the terrorists, whose aim was to disrupt our lives and break our spirit.

Shortly after the attacks, the Senate Governmental Affairs Committee held a hearing to explore how government could better organize itself to defend against such threats. Former Senators Gary Hart and Warren Rudman, co-chairs of the U.S. Commission on National Security/21st Century, offered compelling testimony in favor of creating a homeland security agency.

The legislation we are introducing today is based largely on the Commission's recommendation. It will create a cabinet-level Department of National Homeland Security. This Department would bring the Federal Emergency Management Agency, the Customs Service, the Border Patrol, the Coast Guard, and certain offices responsible for critical infrastructure protection under a single administrative umbrella.

The Department will be headed by a Secretary, who will be appointed by the President and confirmed by the Senate, and who will be a statutory member of the National Security Council. The Secretary will be accountable to the Congress and the American people. Like other cabinet members, the Secretary for Homeland Security would enjoy executive control over personnel and programs, and have all-important budget authority over his department's spending priorities. The Secretary for Homeland Security would have the rank and power to ensure that the security of our homeland remains high on our national agenda, and that all necessary resources are made available toward that end.

The new Department would be organized into three functional directorates that would be responsible for "3 Ps": prevention, protection, and preparation for response.

The Coast Guard, Customs Service, and Border Patrol would comprise the "prevention" directorate, responsible for securing our borders and making sure that potentially harmful persons or materials never make it onto American soil. Each of these organizations is now on the front line of our nation's efforts to prevent future acts of terrorism; however, they are not working together as well as they should, a problem exacerbated by the fact that homeland security is not among their parent agencies' primary missions. They require additional resources, but they also need to be under a single Secretary, who can direct their efforts jointly to fulfill a shared homeland defense mission.

The Critical Infrastructure Assurance Office and the Information Infrastructure Protection Institute, both of the Commerce Department, and the National Infrastructure Protection Center, now located in the FBI, would serve as the nucleus of the "protection" directorate, with the difficult task of working to help safeguard our transportation networks, power grids, water supply, cybersystems and other essential systems from attacks or other threats. These offices share essentially the same mission, and it makes sense that they are placed under a single Department and Secretary, so that they operate in unison.

Finally, FEMA and the FBI's National Domestic Preparedness Office would form the core of the "preparation" directorate, which would conduct the planning and mitigation measures necessary to prepare for disasters as well as to operate the crisis and recovery response machinery when emergencies do occur. Importantly, by building this directorate around FEMA, we will ensure that much of the Homeland Defense Department's organizational infrastructure will be focused towards working effectively with State and local governments, which are clearly key players in homeland defense.

In short, this legislation is meant to structure homeland defense in a way that makes sense operationally, but also in terms of maximizing funding priorities, interagency cooperation, and bureaucratic clout.

In proposing this legislation, we know well that there are other ideas and proposals under consideration, and we look forward to working with our House and Senate colleagues, as well as the President, to arrive at what is best for the American people. The President has appointed Governor Tom Ridge to head the new Office of Homeland Security in the White House, to coordinate strategy across the 40-plus government agencies that now have important roles to play in the fight against terrorism. This is clearly a critical

function. I absolutely agree that there must be better coordination across the agencies, including intelligence and law-enforcement functions, which are central to preventing acts of terror at home. My fear is that it is not enough to improve coordination and cooperation across the existing array of federal agencies and programs.

I am convinced that protecting our homeland requires nothing less than the establishment of a robust, cabinet-level Department, and led by a Secretary who has executive control over key agencies, full authority over his organization's budget, the ability to deploy personnel and resources, and the capacity to make and implement decisions immediately.

I am proud to have Senator SPECTER as a principal cosponsor of this legislation. I am pleased to note that similar legislation has been offered in the House by Rep. MAC THORNBERRY, Rep. ELLEN TAUSCHER, and others, who deserve our thanks for drafting this legislation well before the events of September 11, 2001. We look forward to working with them and other interested Members of Congress, as well as the Administration, to ensure that our government is effectively organized to defend the American people at home.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1534

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of National Homeland Security Act of 2001".

SEC. 2. DEFINITIONS.

In this Act:

(1) **DEPARTMENT.**—The term "Department" means the Department of National Homeland Security established under this Act.

(2) **SECRETARY.**—The term "Secretary" means the Secretary of National Homeland Security.

SEC. 3. ESTABLISHMENT OF THE DEPARTMENT OF NATIONAL HOMELAND SECURITY.

(a) **ESTABLISHMENT.**—There is established the Department of National Homeland Security.

(b) **SECRETARY OF NATIONAL HOMELAND SECURITY.**—

(1) **IN GENERAL.**—The Secretary of National Homeland Security shall be the head of the Department. The Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(2) **CABINET LEVEL POSITION.**—Section 5312 of title 5, United States Code, is amended by adding at the end the following:

"Secretary of National Homeland Security."

(3) **MEMBERSHIP ON THE NATIONAL SECURITY COUNCIL.**—Section 101(a) of the National Security Act of 1947 (50 U.S.C. 402(a)) is amended in the fourth sentence by striking paragraphs (5), (6), and (7) and inserting the following:

"(5) the Secretary of National Homeland Security; and

"(6) each Secretary or Under Secretary of such other executive department, or of a

military department, as the President shall designate."

(c) **DUTIES.**—The duties of the Secretary shall be the following:

(1) To plan, coordinate, and integrate those United States Government activities relating to homeland security, including border security and emergency preparedness, and to act as a focal point regarding natural and manmade crises and emergency planning.

(2) To work with State and local governments and executive agencies in protecting United States homeland security, and to support State officials through the use of regional offices around the Nation.

(3) To provide overall planning guidance to executive agencies regarding United States homeland security.

(4) To conduct exercise and training programs for employees of the Department and establish effective command and control procedures for the full range of potential contingencies regarding United States homeland security, including contingencies that require the substantial support of military assets.

(5) To annually develop a Federal response plan for homeland security and emergency preparedness.

SEC. 4. TRANSFER OF AUTHORITIES, FUNCTIONS, PERSONNEL, AND ASSETS TO THE DEPARTMENT.

The authorities, functions, personnel, and assets of the following entities are transferred to the Department:

(1) The Federal Emergency Management Agency, the ten regional offices of which shall be maintained and strengthened by the Department.

(2) The United States Customs Service, which shall be maintained as a distinct entity within the Department.

(3) The Border Patrol of the Immigration and Naturalization Service, which shall be maintained as a distinct entity within the Department.

(4) The United States Coast Guard, which shall be maintained as a distinct entity within the Department.

(5) The Critical Infrastructure Assurance Office and the Institute of Information Infrastructure Protection of the Department of Commerce.

(6) The National Infrastructure Protection Center and the National Domestic Preparedness Office of the Federal Bureau of Investigation.

SEC. 5. ESTABLISHMENT OF DIRECTORATES AND OFFICE.

(a) **ESTABLISHMENT OF DIRECTORATES.**—The following staff directorates are established within the Department:

(1) **DIRECTORATE OF PREVENTION.**—The Directorate of Prevention, which shall be responsible for the following:

(A) Overseeing and coordinating all United States border security activities.

(B) Developing border and maritime security policy for the United States.

(C) Developing and implementing international standards for enhanced security in transportation nodes.

(2) **DIRECTORATE OF CRITICAL INFRASTRUCTURE PROTECTION.**—The Directorate of Critical Infrastructure Protection, which shall be responsible for the following:

(A) Acting as the Critical Information Technology, Assurance, and Security Officer of the Department to coordinate efforts to address the vulnerability of the United States to electronic or physical attacks on critical infrastructure of the United States, including utilities, transportation nodes, and energy resources.

(B) Overseeing the protection of such infrastructure and the physical assets and information networks that make up such infrastructure.

(C) Ensuring the maintenance of a nucleus of cyber security experts within the United States Government.

(D) Enhancing sharing of information regarding cyber security and physical security of the United States, tracking vulnerabilities and proposing improved risk management policies, and delineating the roles of various government agencies in preventing, defending, and recovering from attacks.

(E) Coordinating with the Federal Communications Commission in helping to establish cyber security policy, standards, and enforcement mechanisms, and working closely with the Federal Communications Commission on cyber security issues with respect to international bodies.

(F) Coordinating the activities of Information Sharing and Analysis Centers to share information on threats, vulnerabilities, individual incidents, and privacy issues regarding United States homeland security.

(G) Assuming the responsibilities carried out by the Critical Infrastructure Assurance Office before the date of the enactment of this Act.

(H) Assuming the responsibilities carried out by the National Infrastructure Protection Center before the date of the enactment of this Act.

(I) Supporting and overseeing the management of the Institute for Information Infrastructure Protection.

(3) **DIRECTORATE FOR EMERGENCY PREPAREDNESS AND RESPONSE.**—The Directorate for Emergency Preparedness and Response, which shall be responsible for the following:

(A) Carrying out all emergency preparedness and response activities carried out by the Federal Emergency Management Agency before the date of the enactment of this Act.

(B) Assuming the responsibilities carried out by the National Domestic Preparedness Office before the date of the enactment of this Act.

(C) Organizing and training local entities to respond to emergencies and providing State and local authorities with equipment for detection, protection, and decontamination in an emergency involving weapons of mass destruction.

(D) Overseeing Federal, State, and local emergency preparedness training and exercise programs in keeping with current intelligence estimates and providing a single staff for Federal assistance for any emergency (including emergencies caused by flood, earthquake, hurricane, disease, or terrorist bomb).

(E) Creating a National Crisis Action Center to act as the focal point for monitoring emergencies and for coordinating Federal support for State and local governments and the private sector in crises.

(F) Establishing training and equipment standards, providing resource grants, and encouraging intelligence and information sharing among the Department of Defense, the Federal Bureau of Investigation, the Central Intelligence Agency, State emergency management officials, and local first responders.

(G) Coordinating and integrating activities of the Department of Defense, the National Guard, and other Federal agencies into a Federal response plan.

(H) Coordinating activities among private sector entities, including entities within the medical community, with respect to recovery, consequence management, and planning for continuity of services.

(I) Developing and managing a single response system for national incidents in coordination with the Department of Justice, the Federal Bureau of Investigation, the Department of Health and Human Services, and the Centers for Disease Control.

(J) Maintaining Federal asset databases and supporting up-to-date State and local databases.

(b) ESTABLISHMENT OF OFFICE OF SCIENCE AND TECHNOLOGY.—

(1) IN GENERAL.—There is established in the Department an Office of Science and Technology.

(2) PURPOSE.—The Office of Science and Technology shall advise the Secretary regarding research and development efforts and priorities for the directorates established in subsection (a).

SEC. 6. REPORTING REQUIREMENTS.

(a) BIENNIAL REPORTS.—The Secretary shall submit to Congress on a biennial basis—

(1) a report assessing the resources and requirements of executive agencies relating to border security and emergency preparedness issues; and

(2) a report certifying the preparedness of the United States to prevent, protect against, and respond to natural disasters, cyber attacks, and incidents involving weapons of mass destruction.

(b) ADDITIONAL REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to Congress a report—

(1) assessing the progress of the Department in—

(A) implementing the provisions of this Act; and

(B) ensuring the core functions of each entity transferred to the Department are maintained and strengthened; and

(2) recommending any conforming changes in law necessary as a result of the enactment and implementation of this Act.

SEC. 7. COORDINATION WITH OTHER ORGANIZATIONS.

The Secretary shall establish and maintain strong mechanisms for the sharing of information and intelligence with United States and international intelligence entities.

SEC. 8. PLANNING, PROGRAMMING, AND BUDGETING PROCESS.

The Secretary shall establish procedures to ensure that the planning, programming, budgeting, and financial activities of the Department comport with sound financial and fiscal management principles. At a minimum, those procedures shall provide for the planning, programming, and budgeting of activities of the Department using funds that are available for obligation for a limited number of years.

SEC. 9. ENVIRONMENTAL PROTECTION, SAFETY, AND HEALTH REQUIREMENTS.

The Secretary shall—

(1) ensure that the Department complies with all applicable environmental, safety, and health statutes and substantive requirements; and

(2) develop procedures for meeting such requirements.

SEC. 10. SAVINGS PROVISIONS.

(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this Act, and

(2) which are in effect at the time this Act takes effect, or were final before the effective date of this Act and are to become effective on or after the effective date of this Act, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance

with law by the President, the Secretary of National Homeland Security or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS NOT AFFECTED.—The provisions of this Act shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before an agency at the time this Act takes effect, with respect to functions transferred by this Act but such proceedings and applications shall continue. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(c) SUITS NOT AFFECTED.—The provisions of this Act shall not affect suits commenced before the effective date of this Act, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against an agency, or by or against any individual in the official capacity of such individual as an officer of an agency, shall abate by reason of the enactment of this Act.

(e) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by an agency relating to a function transferred under this Act may be continued by the National Homeland Security with the same effect as if this Act had not been enacted.

(f) REFERENCES.—Any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to a department, agency, or office from which a function is transferred by this Act—

(1) to the head of such department, agency, or office is deemed to refer to the Secretary of National Homeland Security; or

(2) to such department, agency, or office is deemed to refer to the Department of National Homeland Security.

SEC. 11. EFFECTIVE DATE.

This Act shall take effect 6 months after the date of enactment of this Act.

By Mr. DURBIN (for himself and Mr. FITZGERALD):

S. 1535. A bill to amend the Public Health Service Act to provide for research on, and services for individuals with, postpartum depression and psychosis; to the Committee on Health, Education, Labor and Pensions.

Mr. DURBIN. Mr. President, I rise today to introduce the Melanie Stokes Postpartum Depression Research and Care Act with my colleague from Illinois, Senator FITZGERALD. This legislation develops a coordinated approach for understanding and treating the devastating mental health disorder of postpartum depression.

This act is named for Chicago native Melanie Stokes, a successful pharmaceutical sales manager and loving wife

of Dr. Sam Stokes, who gave birth on February 23, 2001 to her daughter, Sommer Skyy. Unfortunately, with the birth of her daughter, Melanie entered into a battle for her life with a devastating mood disorder known as postpartum psychosis. Mrs. Stokes was in and out of hospitals three times, each for a week to 10 days. She stopped eating and drinking and refused to swallow pills. Her weight dropped rapidly. Despite medical assistance and the support of her family and friends, Mrs. Stokes lost her battle with postpartum psychosis. Melanie jumped to her death from a 12-story window ledge on June 11, 2001. In addition to Melanie Stokes, in my own home State of Illinois, three other women suffering from postpartum depression or psychosis have committed suicide since June 11.

These women were not alone. Studies indicate that 50 to 75 percent of all new mothers undergo the "baby blues," a feeling of let-down after the emotional experience of childbirth. Serious postpartum depression affects 10 to 20 percent of women who manifest symptoms including excessive worry or exhaustion, sadness, feelings of guilt, apathy, phobias, sleep problems, physical complaints and marked fear of criticism of mothering skills. These symptoms may last from 3 to 14 months. The most severe form of postpartum depression, postpartum psychosis, is characterized by hallucinations, hearing voices, paranoia, severe insomnia, extreme anxiety and depression, and deluded thinking in addition to many of the other symptoms of postpartum depression. Postpartum psychosis often requires hospitalization. While this severe form occurs fairly infrequently, affecting an estimated one in 1,000 new mothers, it may have the most grievous consequences including attempts at self-harm, suicide, or harm to others. Clearly postpartum depression is a significant problem with major societal costs.

While postpartum depression is a widespread problem, there are currently few research studies looking into its causes and there is currently no standard treatment for women suffering from this disorder. Given the lack of coordination amongst those interested in understanding and treating such a widespread problem, science and medicine have made few inroads into helping the many women and their families carrying the burden of postpartum depression. This legislation seeks to rectify this situation.

This bill authorizes the Secretary of Health and Human Services to organize a series of national meetings, with the goal of developing a research and treatment plan for postpartum depression and psychosis. Further, this legislation encourages the Secretary to implement the research and treatment plan in a timely fashion. The bill also creates a new grants program, administered by the Substance Abuse and Mental Health Administration, to provide

women and their families with treatment and services.

In Illinois alone there are at least 175,000 births a year. Even using the conservative estimate that 10 percent of mothers will suffer from postpartum depression, this suggests that over 17,000 women, in the State of Illinois alone, and 400,000 women nationwide will experience the devastating symptoms of this disorder each year. Developing new treatments for this disorder should be a top priority.

I am pleased that Senator FITZGERALD has joined me in cosponsoring this bill. In the House of Representatives, Representative RUSH has already introduced this legislation and it enjoys wide bipartisan support with 90 cosponsors at this time.

In remembrance of Melanie Stokes and all the women who have suffered from postpartum depression and psychosis, as well as their families and friend who have stood by their side, I am introducing the Melanie Stokes Postpartum Depression Research and Care Act.

By Mr. BINGAMAN (for himself, Mr. DOMENICI, and Mr. INHOFE):

S. 1537. A bill to authorize the Secretary of the Interior to conduct a hydrogeologic mapping, modeling and monitoring program for the High Plains Aquifer and to establish the High Plains Aquifer Coordination council to facilitate groundwater conservation in the High Plains; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself, Mr. DOMENICI, and Mr. INHOFE):

S. 1538. A bill to further continued economic viability in the communities on the High Plains by promoting sustainable groundwater management of the Ogallala Aquifer; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. BINGAMAN. Mr. President, I rise today to introduce two important pieces of legislation that have great significance for New Mexico, but also are crucial to the entire Great Plains region of our Nation. The bills address the alarming decline in portions of the Ogallala Aquifer, which extends under eight States: Texas, New Mexico, Oklahoma, Kansas, Colorado, Nebraska, Wyoming, and South Dakota.

A reliable source of groundwater is essential to the well-being and livelihoods of people in the great Plains region. Local towns and rural areas are dependent on the use of groundwater for drinking water, ranching, farming, and other commercial uses. Yet many areas overlying the Ogallala Aquifer have experienced a dramatic depletion of this groundwater resource. Some areas have seen a decline of over 100 feet in aquifer levels during the last half of the twentieth century.

The first bill that I am introducing today, the "High Plains Aquifer Conservation, Monitoring, and Coordina-

tion Act," would direct the Secretary of the Interior to develop and carry out a comprehensive hydrogeologic mapping, modeling and monitoring program for the High Plains Aquifer, which is comprised in large part by the Ogallala Aquifer. The Secretary is directed to work in conjunction with the eight High Plains Aquifer States in carrying out this program. The U.S. Geological Survey and the States will work in cooperation to further the goals of this program, with half of the available funds directed to the States for their participation in the program.

The bill would also charge the Secretary of the Interior, working in cooperation with the Secretary of Agriculture, with establishing a High Plains Aquifer Coordination Council. This Council would coordinate mapping, modeling, and monitoring efforts; facilitate coordination of federal, state and local programs relating to the groundwater resources of the High Plains Aquifer; facilitate coordination of programs and policies among the High Plains Aquifer States; and provide recommendations to the Secretary of the Interior, the Secretary of Agriculture, and the Governors regarding programs and policies to address the groundwater resources of the High Plains Aquifer. The Council will be comprised of State and Federal representatives, as well as individuals from irrigation production agriculture, nonagricultural water users, the conservation community, and Indian Tribes.

Finally, the legislation directs the Secretary of the Interior to provide funding to each of the High Plains Aquifer States to further groundwater education programs, working with land grant universities and other educational institutions and cooperating entities.

The second bill that I am introducing today is the "High Plains Groundwater Resource Conservation Act." This bill would establish a voluntary 10-year groundwater conservation incentives program for the High Plains Aquifer region. Incentive payments would be made for voluntary land management practices, which may include changes from irrigated to dryland agriculture, changes in cropping patterns to utilize water conserving crops, and other conservation measures that result in quantifiable and significant savings in groundwater use. Cost-share payments will be made for structural practices that will conserve groundwater resources of the High Plains Aquifer, which may include improvement of irrigation systems and purchase of new equipment. Priority will be given to areas experiencing significant aquifer level declines. In order to be eligible, producers must be in an area covered by a groundwater conservation plan.

The legislation would also require the Secretary of Agriculture to provide financial and technical assistance on a cost-share basis to States, tribes, counties, conservation districts and other

political subdivisions. Upon approval by the Secretary, a State can carry out these activities in lieu of the Secretary. The Secretary is also required to set up a process to certify groundwater conservation plans.

In addition, the bill would enhance eligibility for participation in the Conservation Reserve Program for lands drawing water from the High Plains Aquifer.

These two bills bring focus to an issue that concerns the long-term economic viability of communities in much of America's heartland. This is farm country, and the cornerstone of its economy is its groundwater supply, the Ogallala Aquifer, which allows for irrigated agriculture. The Department of Agriculture estimates that there are over six million acres of irrigated agriculture overlying just the southern portion of the Ogallala. These farms use between six and nine million acre feet of water per year. The problem we are confronting is that the aquifer is not sustainable, and it is being depleted rapidly. This threatens the way of life of all who live on the High Plains. These bills would take significant steps to address this serious problem. I ask that my colleagues join me in supporting this legislation.

By Mrs. CLINTON (for herself, Mr. DODD, Mrs. MURRAY, Ms. MIKULSKI, Mr. SCHUMER, Mr. BINGAMAN, and Mr. CORZINE):

S. 1539. A bill to protect children from terrorism; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, on this, the one month anniversary of the horrifying terrorist attacks of September 11, I rise to introduce a bill that I believe will provide protection from future terrorist attacks for the most vulnerable members of our society: children.

In preparing for threats ahead, we must also examine what happened to our children on September 11—we must consider the impact of the attacks on children in New York and Virginia, and all of the affected states and regions, as well as the impact on children throughout the Nation. We must do all we can to support and assist these children in their recovery, as well as protect children in the future who, God forbid, may face similarly horrifying attacks.

People in New York, and around the country, are looking for information and assurance that their children's needs are being taken into account as we prepare for future terrorist threats.

Parents have been coming up to me in New York and asking important questions about how to protect their children in the case of a threat.

And, students have been writing to me asking to protect them as we move ahead into a more uncertain world. Sheryl De Los Santos, a student at I.S. 383, a middle school in Brooklyn, writes:

During the tragic loss of the Twin Towers my reaction to this loss was why? Why would someone do this to our country? When I saw them come down, I totally lost it. I cried. I cried even more when I heard how many people died. I feel angry, hurt, sad, mad, scared and horrified all at the same time. I even feel confused. I feel scared because if anything else happened I would go crazy. I feel angry for what they did because I have never been to the Twin Towers. I feel sad and hurt because of so many lost lives. Though I am not saying it is your fault because it is not. I am writing to you to tell you that America's safety has been sleeping on the job. Maybe you can have more security.

I think it's important that we provide parents and their children with the assurance that we are working to protect them and we must replace fear with facts.

As we consider potential terrorist threats, the threat of bioterrorism has felt all too real particularly as a criminal investigation goes on in Florida on the three individuals who were exposed to anthrax.

My bill, Protecting Children Against Terrorism Act, will ensure that as we take steps to prepare for the threat of bioterrorism, we take into account children's health needs.

I am extremely concerned that we are not paying a sufficient amount of attention to the unique needs of children in our efforts to plan and prepare for future attacks.

Children have special needs relating to bioterrorism. First, they are particularly susceptible to biological and chemical attacks. Some dense nerve gas agents, like Sarin, concentrate lower to the ground, near the breathing zone of children. Also, because children have more rapid respiratory rates and larger surface to mass ratios, they anatomically are more vulnerable to exposures.

And yet, the tools of our response to bioterrorism are less effective for children's needs.

My legislation, the Protecting America's Children Against Terrorism Act, would create a national task force comprised of: children health experts on infectious disease, environmental health and toxicology; members of esteemed organizations like the American Academy of Pediatrics and the National Association of Children's Hospitals; and representatives of relevant federal agencies.

These national children's health experts would look at our health system to ensure that, as we're stepping up our response efforts, the medicine and treatments fit the health needs of children.

For instance, as we're making sure we have antidotes to threatening diseases, we need to ensure that these have been tested not just on adults, but on children too.

As my colleagues, Senators DODD, DeWINE, KENNEDY, and others with whom I have worked closely on the pediatric testing issue know, many pharmaceutical manufacturers have not tested, or properly dosed antidotes, antibiotics, or other agents for use on

children. My legislation would insist that we do this testing.

And CDC "push packs" and other emergency response supply systems do not take into account the special medical needs of children. I am calling for CDC to revise their emergency response supply to take into account the needs of kids.

My legislation would also ensure that the expert doctors and health professionals, who would be on the frontlines in responding to an attack, are trained and equipped to treat children too. These doctors need to know whether a certain disease or chemical agent will affect a child differently than an adult and which treatment is most effective for children.

The final step is providing parents with information so that they can rest assured that there are doctors and medicine that are specially trained and developed to help their children.

We must also ensure that the place in which children spend much of their days are protected, our schools. On September 11, New York's teachers, school personnel and child care providers acted with great bravery and skill as they safely evacuated school children from the schools and child care centers in and around the World Trade Center. As a result, no students were physically harmed during the attacks.

Are all schools prepared to safely evacuate students? Did New York do it perfectly? The answers are, of course, "no."

Lisa Swovick, a mother from Rochester, wrote the following email to me:

Having grown up during the Cold War, I remember practicing drills in school should we become victims of a nuclear attack. I also remember learning about the nearest shelter to go to should the attack happen. It was the neighborhood school and library. We were instructed to go there and there would be food and shelter provided in an emergency. I would like to know, if during the present time of much dialog of possible biological terrorist attacks on America, if it would be a good idea for these shelters to return. There are scary thoughts to have, however, I had to deal with the thought of a nuclear attack from Russia as a child. I only fear that we won't be as prepared as we might have been in the 1960s for the present-day dangers of our very uncertain world.

In my bill, I ask that the Secretary of Education develop recommendations and models to help communities develop school evacuation plans, safe places for children to go in case of an attack, partnerships with the medical community to ensure that children get the immediate care they need, and recommendations for notifying parents of evacuation plans and information on how and where to find their child or children in the wake of an attack.

As we prepare for threats ahead, we cannot forget the many, many children who have already been severely affected by the terrorism of September 11.

Children are especially susceptible to the terrible emotional and mental anguish that terrorist attacks cause,

whether they have a parent who was called into military duty, lost a parent in the attack or actually witnessed the violence themselves.

My legislation would help address this immense need by providing grants to community groups, and schools to make sure that children's mental health needs are met.

And we need to make sure that our disaster relief assistance is tailored to help children who have been orphaned or lost a parent in an attack. We do not yet know the numbers of children who lost a parent in the September 11 attacks, but some have speculated that it could be as high as 10,000 children.

My legislation would create an office of children's services within FEMA for helping children who lose a parent in a disaster by offering them many different types of support, such as counseling and legal services for adoption.

And, finally, I believe we must shore-up our social services infrastructure.

In the wake of the September 11th terrorist attacks, over 400 hotline numbers were established in order to provide help and information for families and victims of the terrorist attacks. These numbers were on top of the thousands of existing non-profit organizations and Federal, State and city governmental agencies that provide human and social services to help children and families in crisis.

My legislation would also include funding to implement 2-1-1, a universal hotline designed by the United Way and approved by the Federal Communication Commission to be used to connect children and families with the help they need.

I appreciate the support I have already received for this legislation and I am proud to have co-sponsorships from: Senators DODD, MURRAY, MIKULSKI, SCHUMER, BINGAMAN, and CORZINE. Today, I ask my colleagues to consider the needs of children and co-sponsor my Protecting America's Children Against Terrorism Act.

I ask unanimous consent that the text of my bill on "Protecting Children Against Terrorism" be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1539

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protecting America's Children Against Terrorism Act".

SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

(a) PUBLIC HEALTH MEASURES TO PROTECT AGAINST TERRORISM.—Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 319G, the following:

"SEC. 319H. PUBLIC HEALTH MEASURES TO PROTECT AGAINST TERRORISM.

"(a) NATIONAL TASK FORCE ON CHILDREN AND BIOTERRORISM.—

"(1) ESTABLISHMENT.—The Secretary shall establish a National Task Force on Children

and Bioterrorism (referred to in this subsection as the "Task Force").

"(2) MEMBERSHIP.—The Task Force shall be composed of—

"(A) the Secretary and other officials of the Department determined appropriate by the Secretary;

"(B) the Director of the Federal Emergency Management Agency;

"(C) the Administrator of the Environmental Protection Agency;

"(D) the Secretary of Education;

"(E) child health experts on infectious disease, environmental health, and toxicology, who shall be appointed by the Secretary;

"(F) representatives of national children's health organizations, including the American Academy of Pediatrics and the National Association of Children's Hospitals, who shall be appointed by the Secretary; and

"(G) representatives of other relevant organizations determined appropriate by the Secretary.

"(3) RECOMMENDATIONS.—Not later than 60 days after the date of enactment of this section, the Task Force shall make recommendations to the Secretary concerning—

"(A) an assessment of the preparedness of the health care system of the United States to respond to bioterrorism aimed at children and youth, including the readiness of public health institutions, providers of health care, and other emergency service personnel to detect, diagnose and respond to bioterrorist attacks affecting large numbers of children and youth;

"(B) needed changes to the health care and emergency medical services systems, including recommendations on research, training of health personnel, and changes to the National Pharmaceutical Stockpile Program to include the medical needs of children; and

"(C) national, regional, and local health care and emergency medical services protocols for dealing with mass casualties of children and youth resulting from bioterrorism.

"(b) CHILDREN AND TERRORISM INFORMATION NETWORK.—

"(1) ESTABLISHMENT.—The Secretary, acting through the Centers for Disease Control and Prevention, shall establish a Children and Terrorism Information Network to collect and disseminate to health providers (including children's hospitals and pediatric units of hospitals), community centers (including poison control centers), and schools (including school-based health clinics) up-to-date information on how to prepare for a biological or chemical terrorist attack and the steps that should be taken to ensure that children get the health care they need in the event of such an attack.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, \$10,000,000 for fiscal year 2002, and such sums as may be necessary for each subsequent fiscal year. Amounts appropriated under the preceding sentence shall remain available to carry out this section until expended.

"(c) NATIONAL PHARMACEUTICAL STOCKPILE PROGRAM.—

"(1) IN GENERAL.—The Secretary, acting through the Centers for Disease Control and Prevention, shall provide for the inclusion of supplies, equipment, and instructions as are appropriate for use with respect to children in push packs and Vendor Management Inventories under the National Pharmaceutical Stockpile Program.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, \$50,000,000 for fiscal year 2002, and such sums as may be necessary for each subsequent fiscal year. Amounts appropriated under the preceding sentence shall remain available to carry out this section until expended.

"(d) SECURING OUR SOCIAL SERVICES INFRASTRUCTURE TO SUPPORT CHILDREN AND FAMILIES.—

"(1) IN GENERAL.—The Secretary shall award grants to eligible entities to enable such entities to implement, develop, expand or increase the capacity of 2-1-1 call centers, or other universal hotlines, in order to connect the public to all available information hotlines, or call centers, developed in response to disaster and recovery efforts, as well as to connect the public to existing social services to provide needed help and support to children and families in crisis.

"(2) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall—

"(A) be a non-profit organization working to implement, develop, expand, or increase the capacity of 2-1-1 call centers, or other universal hotlines in their State, region or locality; and

"(B) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, \$10,000,000 for fiscal year 2002, and such sums as may be necessary for each subsequent fiscal year. Amounts appropriated under the preceding sentence shall remain available to carry out this section until expended."

(b) PEDIATRIC STUDIES.—Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended—

(1) by redesignating the second section 409C (relating to clinical research) and the second section 409D (relating to enhancement awards) as sections 409G and 409H, respectively; and

(2) by inserting after section 409H (as so redesignated), the following:

"SEC. 409I. PEDIATRIC STUDIES OF DRUGS AND BIOLOGICS, INCLUDING VACCINES, USED TO PREVENT AND TREAT ILLNESSES AND INJURY CAUSED BY BIOLOGICAL OR CHEMICAL AGENTS USED IN WARFARE AND TERRORISM.

"(a) PUBLICATION OF LIST.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Secretary shall develop and maintain a secure and confidential list of drugs and biologics, including vaccines, that may be used to prevent and treat illnesses and injury caused by biological or chemical agents used in acts of warfare or terrorism and which require pediatric testing.

"(b) TESTING PLAN.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Secretary shall develop a plan to—

"(1) provide for the timely pediatric testing and labeling of the agents on the list developed under subsection (a) for the year involved; and

"(2) coordinate such testing and labeling program with activities conducted under existing laws and regulations concerning pediatric testing of drugs and biologics.

"(c) CONTRACTS.—The Secretary may award contracts to entities that have the expertise to conduct pediatric clinical trials (including qualified universities, hospitals, laboratories, contract research organizations, federally funded programs such as pediatric pharmacology research units, other public or private institutions or, individuals) to enable such entities to conduct pediatric studies concerning drugs and biologics, including vaccines, that are used to prevent and treat illnesses and injuries caused by biological or chemical agents used in acts of warfare or terrorism.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to

carry out this section, \$20,000,000 for fiscal year 2002, and such sums as may be necessary for each subsequent fiscal year. Amounts appropriated under the preceding sentence shall remain available to carry out this section until expended."

(c) TRAINING.—Subpart 2 of part E of title VII of the Public Health Service Act (42 U.S.C. 295 et seq.) is amended—

(1) in section 770(a), by inserting "other than section 770A," after "subpart,"; and

(2) by adding at the end the following:

"SEC. 770A. TRAINING FOR PEDIATRIC ISSUES SURROUNDING BIOLOGICAL AND CHEMICAL AGENTS USED IN WARFARE AND TERRORISM.

"(a) GRANTS.—The Secretary, acting through the Director of Health Resources and Services Administration, shall award grants to eligible entities to enable such entities to—

"(1) provide for the education and training of clinicians (including nurses) in the pediatric consequences, systems, and treatment of biological and chemical agents; and

"(2) assist in the development and distribution of accurate educational materials on the pediatric consequences, symptoms and treatment of biological or chemical agents.

"(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall—

"(1) be a children hospital, a pediatric unit of a hospital, a professional organization, or any other entity that the Secretary determines to be appropriate; and

"(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, \$50,000,000 for fiscal year 2002, and such sums as may be necessary for each subsequent fiscal year. Amounts appropriated under the preceding sentence shall remain available to carry out this section until expended."

SEC. 3. AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

Subpart 2 of part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7131 et seq.) is amended by adding at the end the following:

"SEC. 4124. SCHOOL EVACUATIONS, SAFE PLACES AND PARENTAL NOTIFICATIONS.

"(a) RECOMMENDATIONS AND MODELS.—Not later than 60 days after the date of enactment of this section, the Secretary shall develop recommendations and models to assist communities in developing—

"(1) school evacuation plans;

"(2) safe places for children to go in case of an attack on a school or individuals in the school;

"(3) partnerships with the medical community to ensure that children get the immediate care they need in the event of such an attack; and

"(4) procedures for notifying parents of evacuation plans and providing information on how and where to find their child or children in the event of such an attack.

"(b) DISSEMINATION.—The Secretary shall ensure that the recommendations and models developed under subsection (a) are disseminated to local school districts throughout the United States, and, in coordination with the Secretary of Health and Human Services, to the health provider and public health communities.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, \$1,000,000 for fiscal year 2002, and such sums as may be necessary for each subsequent fiscal year. Amounts appropriated under the preceding sentence

shall remain available to carry out this section until expended.

"SEC. 4125. MENTAL HEALTH SERVICES FOR CHILDREN AND THEIR CAREGIVERS.

"(a) GRANTS.—The Secretary, jointly with the Secretary of Health and Human Services, shall award grants to eligible entities to enable such entities to develop and implement a plan for the provision of comprehensive mental health services for children, school faculty, and child care providers who are affected by terrorist attacks, times of war, or other major crisis.

"(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall—

"(1) be a local educational agency, a community-based organization, a community mental health organization, a professional organization, or a partnerships of such entities; and

"(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, \$20,000,000 for fiscal year 2002, and such sums as may be necessary for each subsequent fiscal year. Amounts appropriated under the preceding sentence shall remain available to carry out this section until expended."

SEC. 5. AMENDMENTS TO THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT.

Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) is amended by inserting after section 410, the following:

"SEC. 411. CHILDREN'S ASSISTANCE.

"(a) CHILDREN'S COORDINATING OFFICER.—Upon a determination by the President that children have lost their custodial parent or parents in an area declared a disaster area by the President under this Act, the President shall appoint an individual to serve as a Children's Coordinating Officer for the area. Such Officer shall provide necessary support and assistance for such children to ensure their immediate care and transition to a permanent and loving family.

"(b) FUNCTIONS.—A Children's Coordinating Officer appointed under subsection (a) shall partner with relevant Federal, State and local governmental agencies, and coordinate all efforts by community-based organizations, foundations, funds, or other organizations, to direct and coordinate the provision of assistance to children described in subsection (a).

"(c) SERVICES.—A Children's Coordinating Officer appointed under subsection (a) shall ensure that children and their caregivers are provided with—

"(1) immediate temporary care services;

"(2) counseling on long-term permanency planning;

"(3) legal services for guardianships and adoptions;

"(4) information on available services and assistance for the victims of the disaster; and

"(5) mental health services."

By Mr. FITZGERALD:

S. 1540. A bill to extend and improve the emergency food assistance program; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. FITZGERALD. Mr. President, I rise today to introduce legislation to help food banks, soup kitchens, and other emergency feeding organizations meet the needs of our hungry citizens.

According to the most recent U.S. Department of Agriculture estimates,

10.1 percent of U.S. households, 31 million Americans are considered food insecure. Under current law, the Emergency Food Assistance Program, TEFAP, purchases agricultural commodities for use by food banks and soup kitchens. Needy American citizens rely on this program to get them over the hump when they lose their jobs or fall on unexpected hard times. Yet, a recent report of the U.S. Conference of Mayors concluded that 13 percent of these families who requested emergency food assistance were turned away due to a lack of food resources.

The bill I introduce today simply increases funding for TEFAP by \$40 million, a 40 percent increase. As well, the bill allows \$10 million of this new funding to be used for state and local food processing, distribution, transportation, and storage costs. This \$10 million enhances the \$45 million already appropriated annually for these costs.

Additionally, this bill has secondary benefits to our rural communities. TEFAP provides a boost to the agriculture economy by purchasing surplus commodities from the market.

I commend Congressman GOODLATTE of Virginia for championing a similar bill on the House side. I look forward to working closely with my colleagues on the Senate Committee on Agriculture, Nutrition and Forestry to ensure that this legislation is included in the Nutrition Title of the Farm Bill.

The legislation is supported by America's Second Harvest and food banks and soup kitchens throughout the nation. This bill entitled the "Emergency Food Assistance Program Enhancement Act" should enjoy bipartisan support, and I encourage my colleagues to co-sponsor this piece of legislation.

By Mr. ENZI:

S. 1542. A bill to foster innovation and technological advancement in the development of the Internet and electronic commerce, and to assist the States in simplifying their sales and use taxes; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, I rise to introduce the Internet Tax Moratorium and Equity Act. I encourage each of my colleagues to join me as a cosponsor of this bill. With the extension of the current moratorium of the Internet Tax Freedom Act of 1998 expiring soon on October 21, 2001, there are several bills that are currently being discussed in the Senate in order to address this issue. I had to take a look at the Internet sales tax issue for people who might be using legislative vehicles to develop huge loopholes in our current system. We are federally mandating States into a sales tax exemption. We need to preserve the system for those cities, towns, counties, and States that rely on the ability to collect the sales tax they are currently getting. I believe that the current moratorium on Internet access taxes and multiple and discriminatory taxes on the Internet should not be extended without ad-

ressing the larger issue of sales and use tax collection on electronic commerce.

There are some critical issues here that have to be solved to keep the stability of State and local government, just the stability of it, not to increase sales tax, just protect what is there right now. I believe the Internet Tax Moratorium and Equity Act is a monumental step forward in protecting, yet enhancing, the current system.

Certainly, no Senator wants to take steps that will unreasonably burden the development and growth of the Internet. At the same time, we must also be sensitive to issues of basic competitive fairness and the negative effect our action or inaction can have on brick-and-mortar retailers, a critical economic sector and employment force in all American society, especially in rural States like Wyoming. In addition, we must consider the legitimate need of State and local governments to have the flexibility they need to generate resources to adequately fund their programs and operations.

As the only accountant in the Senate, I have a unique perspective on the dozens of tax proposals that are introduced in Congress each year. In addition, my service on the State and local levels and my experiences as a small business owner enable me to consider these bills from more than one viewpoint.

I understand the importance of protecting and promoting the growth of Internet commerce because of its potential economic benefits. It is a valuable resource because it provides access on demand. In addition, it is estimated that the growth of online businesses will create millions of new jobs nationwide in the coming years. Therefore, I do not support a tax on the use of Internet itself.

I do, however, have concerns about using the Internet as a sales tax loophole. Sales taxes go directly to State and local governments and I am very leery of any Federal legislation that bypasses their traditional ability to raise revenue to perform needed services such as school funding, road repair and law enforcement. I will not force States into a huge new exemption. While those who advocate a permanent loophole on the collection of a sales tax over the Internet claim to represent the principles of tax reduction, they are actually advocating a tax increase. Simply put, if Congress continues to allow sales over the Internet to go untaxed and electronic commerce continues to grow as predicted, revenues to State and local governments will fall and property taxes will have to be increased to offset lost revenue or States who do not have or believe in State income taxes will be forced to start one.

Furthermore, State and local revenues and budgets are especially critical now as these governments are responding to protect the security of all of our citizens and businesses. Any action to

extend the current moratorium without creating a level playing field would perpetuate a fundamental inequity and ignore a growing problem that will gravely affect the readiness of the nation.

After months of hard work, negotiations, and compromise, the Internet Tax Moratorium and Equity Act has been introduced. I would like to commend several of my colleagues for their commitment to finding a solution and working with all parties to find that solution. I know this bill is the solution. The bill makes permanent the existing moratorium on Internet access taxes, but extends the current moratorium on multiple and discriminatory taxes for an additional four years through December 31, 2005.

Throughout the past several years, we have heard that catalog and Internet companies say they are willing to allow and collect sales tax on interstate sales, regardless of traditional or Internet sales, if States will simplify collections to one rate per State sent to one location in that State. I think that is a reasonable request. I have heard the argument that computers make it possible to handle several thousand tax entities, but from an auditing standpoint as well as simplicity for small business, I support one rate per State. I think the States should have some responsibility for redistribution not a business forced to do work for government. Therefore, the bill would put Congress on record as urging States and localities to develop a streamlined sales and use tax system, which would include a single, blended tax rate with which all remote sellers can comply. You need to be aware that States are prohibited from gaining benefit from the authority extended in the bill to require sellers to collect and remit sales and use taxes on remote sales if the States have not adopted the simplified sales and use tax system.

Further, the bill would authorize States to enter into an Interstate Sales and Use Tax Compact through which members would adopt the streamlined sales and use tax system. Congressional authority and consent to enter into such a compact would expire if it has not occurred by January 1, 2006. The bill also authorizes States to require all other sellers to collect and remit sales and use taxes on remote sales unless Congress has acted to disapprove the compact by law within a period of 120 days after the Congress receives it.

The bill also calls for a sense of the Congress that before the end of the 107th Congress, legislation should be enacted to determine the appropriate factors to be considered in establishing whether nexus exists for State business activity tax purposes.

I am introducing this bill today because I do not think there is adequate protection now. It is very important we do not build electronic loopholes on the Internet, an ever-changing Internet, one that is growing by leaps and

bounds, one that is finding new technology virtually every day.

I recognize this body has a constitutional responsibility to regulate interstate commerce. Furthermore, I understand the desire of several senators to protect and promote the growth of Internet commerce. Internet commerce is an exciting field. It has a lot of growth potential. The new business will continue to create millions of new jobs in the coming years.

The exciting thing about that for Wyomingites is that our merchants do not have to go where the people are. For people in my State, that means their products are no longer confined to a local market. They do not have to rely on expensive catalogs to sell merchandise to the big city folks. They do not have to travel all the way to Asia to display their goods. The customer can come to us on the Internet. It is a remarkable development, and it will push more growth for small manufacturers in rural America, especially in my State. We have seen some of the economic potential in the Internet and will continue this progress. It is a valuable resource because it provides access on demand. It brings information to your fingertips when you want it and how you want it.

I am very concerned, however, with any piece of legislation that mandates or restricts State and local governments' ability to meet the needs of its citizens. This has the potential to provide electronic loopholes that will take away all of their revenue. The Internet Tax Moratorium and Equity Act would designate a level playing field for all involved—business, government, and the consumer.

The States, and not the Federal Government, should have the right to impose, or not to impose, consumption taxes as they see fit. The reality is that emergency response personnel, law enforcement officials, and other essential services are funded largely by States and local governments, especially through sales taxes. Passing an extension of the current moratorium without taking steps toward a comprehensive solution would leave many States and local communities unable to fund their services. I urge my colleagues to support it.

By Mr. DASCHLE (for himself, Mr. LOTT, Ms. LANDRIEU, and Mr. ALLEN):

S.J. Res. 25. A joint resolution designating September 11 as "National Day of Remembrance"; considered and passed.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 25

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Day of Remembrance Act of 2001".

SEC. 2. NATIONAL DAY OF REMEMBRANCE.

(a) DESIGNATION.—September 11 is National Day of Remembrance.

(b) PROCLAMATION.—The President is requested to issue each year a proclamation—

(1) remembering those who tragically lost their lives as a result of the terrorist attacks on the United States on September 11, 2001, and honoring the police, firefighters, and emergency personnel who responded with such valor on September 11, 2001;

(2) calling on United States Government officials to display the flag of the United States at half mast on National Day of Remembrance in honor of those who lost their lives as a result of the terrorist attacks on the United States on September 11, 2001;

(3) inviting State and local governments and the people of the United States to observe National Day of Remembrance with appropriate ceremonies; and

(4) urging all people of the United States to observe a moment of silence on National Day of Remembrance in honor of those who lost their lives as a result of the terrorist attacks on the United States on September 11, 2001.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 171—EXPRESSING THE SENSE OF THE SENATE CONCERNING THE PROVISION OF FUNDING FOR BIOTERRORISM PREPAREDNESS AND RESPONSE

Mr. FRIST (for himself, Mr. KENNEDY, Mr. HATCH, Mr. BREAUX, Mr. WARNER, Ms. MIKULSKI, Mr. MURKOWSKI, Mr. DORGAN, Mr. BOND, Mr. CLELAND, Mr. BURNS, Mr. REED, Mr. INHOFE, Mrs. LINCOLN, Mr. THOMPSON, Mr. SANTORUM, Mr. ALLARD, Ms. COLLINS, Mr. ENZI, Mr. HUTCHINSON, Mr. HAGEL, Mr. ROBERTS, Mr. SESSIONS, Mr. CHAFEE, Mrs. CLINTON, and Mr. DOMENICI) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 171

Whereas additional steps must be taken to better prepare the United States to respond to potential bioterrorism attacks;

Whereas the threat of a bioterrorist attack is still remote, but is increasing for a variety of reasons, including—

(1) public pronouncements by Osama bin Laden that it is his religious duty to acquire weapons of mass destruction, including chemical and biological weapons;

(2) the callous disregard for innocent human life as demonstrated by the terrorists' attacks of September 11, 2001;

(3) the resources and motivation of known terrorists and their sponsors and supporters to use biological warfare;

(4) recent scientific and technological advances in agent delivery technology such as aerosolization that have made weaponization of certain germs much easier; and

(5) the increasing access to the technologies and expertise necessary to construct and deploy chemical and biological weapons of mass destruction;

Whereas coordination of Federal, State, and local terrorism research, preparedness, and response programs must be improved;